



2032 Chancellor Street • Philadelphia, PA 19103  
Phone: 215.567.3322 • Fax: 215.864.9292

Kevin Gerard Amadio, Esquire  
E-mail: kamadio@venzie.com

June 17, 2008

**VIA CM/ECF AND HAND DELIVERY**

The Honorable Joseph J. Farnan, Jr.  
United States District Court for the District of Delaware  
Lockbox 18  
844 N. King Street  
Wilmington, Delaware 19801

**Re: RLI Insurance Company v. Indian River School District, et al  
Civil Action No. 1:05-cv-00858-JJF**

Along with James S. Green, Sr. of Seitz, Van Ogtrop & Green, P.A., I represent defendant and counterclaim plaintiff Indian River School District in this action. I am writing to the Court in compliance with the Court's June 3, 2008 Order, which directed the parties to advise the Court of any outstanding issues that remain in light of the Court's Memorandum Opinion and Order granting each defendant's motion for summary judgment.

In light of the Court's Memorandum Opinion and Order, the only claim remaining to be tried is IRSD's counterclaim against RLI seeking damages under the performance bond and applicable law arising from the bond principal's breach of contract. The "surety" defenses raised by RLI to that claim – including overpayment, impairment of collateral and compliance with the procedural requirements of the bond and contract for declaring a default – have each been resolved by the Court in IRSD's favor. Remaining for trial are the determination of the extent of the bond principal's breach of its contract with IRSD and the amount of damages due IRSD from RLI under the performance bond and applicable law as the result of that breach.

Three motions also remain to be determined: (1) IRSD's motion to preclude the trial testimony of Damien Cassin; (2) RLI's Motion for Reargument on the summary judgment motion; and (3) RLI's motion for Christian McCone's Deposition. The Court also cancelled the pretrial conference that had been scheduled for June 5, 2008.

The Honorable Joseph J. Farnan, Jr.  
June 17, 2008  
Page -2-

If Your Honor has any questions, please do not hesitate to contact us. Thank you.

Respectfully yours,

K. Gerard Amadio, Esquire  
Venzie, Phillips & Warshawer  
2032 Chancellor Street  
Philadelphia, Pennsylvania 19103  
(215) 567-3322

and

  
**SEITZ, VAN OGTROP & GREEN, P.A.**

/s/ James S. Green, Sr.

**JAMES S. GREEN, SR., ESQ. (DE0481)**

**jgreen@svglaw.com**

222 Delaware Avenue, Suite 1500

P. O. Box 68

Wilmington, DE 19899

(302) 888-0600

Attorneys for Defendant and Counterclaimant  
Indian River School District

cc: Clerk of the Court (via CM/ECF and Hand Delivery)  
Counsel of Record (via CM/ECF)